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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,205	09/11/2007	Steffen Thiem	2642.038 (D7500044US)	1139
23405 7590 05/13/2009 HESLIN ROTHENBERG FARLEY & MESTI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203				
EXAMINER				
LOXAS, PETER J				
ART UNIT		PAPER NUMBER		
2811				
MAIL DATE		DELIVERY MODE		
05/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,205

Applicant(s)

THIEM ET AL.

Examiner

PETER LOXAS

Art Unit

2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/2/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date 10/01/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Application

This office action is in response to the filing of the application papers on April 2, 2007, Claims 1-6 are pending in this application.

The Examiner would like to note that originally, it was unclear which set of claims Applicant was submitting for examination, since there were several different sets of claims present in the application file. However, on, 5/1/09, Applicant's representative of record, Victor Cardona disclosed, via telephone conversation with the Examiner, that the Applicant's amended set of claims submitted on 4/02/2009 is the correct set of claims for examination.

Claim Objections

Claim 5 is objected to because of the following informalities: Claim 5 has a reference numeral "(5)" which is not entitled to patentable weight. It is recommended that the reference numeral is removed. Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the common first electrode and the second insular electrode as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102 (b) as being anticipated by Li et al. US Patent No. 5,623,387

RE CLAIM 1: Li et al. anticipates a system for protecting semiconductor circuits from electrostatic discharges, comprising a planar diode (D123, fig. 9A, col. 16, line 26) **having two electrodes** (salicide regions, 902 and 908, fig. 9A, col. 16, line 30) **which are respectively contacted by a plurality of contacts** (903, 909, fig. 9A, col. 16, line 29), **and the contacts are connected by means of metallic planes** (i.e. metal layer 601, fig. 7A, col. 15 line 25) **to the operating voltage, to a pad, or to ground** (Vss, fig. 1, col. 15, lines 22-25), **wherein a plurality of planar diodes** (D123) **is provided in a common first electrode** (902), **each planar diode** (D123) **having a second insular electrode** (908) **surrounded by the first electrode** (902), **and the contacts** (903) **of the electrode** (902) **are contacted by a first metallic plane** (901) **and the contacts** (909) **of the electrode** (908) **are contacted by a superposed second metallic plane** (910).

RE CLAIM 2: Li et al. anticipates **multiple planar diodes** (D122, D124, fig. 4d, col. 15, line 56) **are situated adjacent to one another** (col. 14, lines 55-56).

RE CLAIM 3: Li et al. anticipates **multiple planar diodes** (D122, D124, fig. 4D, col. 15, line 56) **are situated in an array** (col. 14, lines 55-56).

RE CLAIM 4: Li et al. anticipates **the planar diodes are interconnected to form a functional unit.** (Li et al. recites that "In the embodiment in FIG 4D, diodes

D122 and D124 are positioned adjacent each other. Thus these two diodes form a parasitic bipolar transistor which can turn on in response to an ESD event." (col. 14, lines 55-59)

RE CLAIM 5: Li et al. anticipates **the insular electrode (5) has a circular or polygonal shape.** (Figure 9A, shows the entire structure, including the salicide (electrode) regions, have a polygonal shape).

RE CLAIM 6: Li et al. anticipates **the planar diodes are interconnected to form a functional unit.** (Li et al. recites that "In the embodiment in FIG 4D, diodes D122 and D124 are positioned adjacent each other. Thus these two diodes form a parasitic bipolar transistor which can turn on in response to an ESD event." (col. 14, lines 55-59)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER LOXAS whose telephone number is (571)270-7380. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Gurley can be reached on (571) 272-1670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lynne A. Gurley/
Supervisory Patent Examiner, Art
Unit 2811

/PETER LOXAS/
Examiner, Art Unit 2811
4/6/2009